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TELEGR

Ref 18-3 Switz (be)
XL POL 27-10

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ACTION: ~~US Mission NATO~~ PRIORITY
ALL NATO CAPITALS PRIORITY
Amembassy TOKYO PRIORITY

INFO: US Mission GENEVA
US Del SALT V
USUN, NEW YORK
Amembassy MOSCOW

STATE

K DISTO

SUBJECT: CCD: Allied Consultations on Biological
Weapons Convention

REF: State 137394 - *Ref 18-3 Switz (be)*
XL POL 27-10

1. We have reached point in CCD negotiations in Geneva where we are prepared to table draft BW convention text jointly agreed with Soviets. Before doing so, we wish consult our allies.

2. FOR USMISSION NATO: You should circulate ASAP to other delegations letter contained paras. 3 - ¹⁰/₂ below:

3. BEGIN TEXT: Last week the Soviet government

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ACDA/IR: MvanHeuven: *mh*

DRAFTING DATE

7/29/71

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21533

APPROVED BY:

James E. Goodby

EUR/RPM - *Back to xxxxxxxx*

CLEARANCES:

ACDA/IR - Mr. Day

PM/DCA - Mr. Martin

EA/J - Mr. Breer

EUR/RPM - *Back to xxxxxxxx*

OSD/ISA - LtC. Nolan

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- 2 -

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conveyed its ~~xxx~~ response to the most recent proposals by the US for a treaty banning biological weapons, and I am writing to you about the steps we would propose to take next in this regard.

4. As you will recall, the ~~x~~ Council last discussed this subject on May 11. At the end of that discussion, the Chairman noted that the Council as a whole appeared to favor the US plan to present to the Soviet Co-Chairman in Geneva its comments to the draft BW Convention submitted by the Soviets at the CCD on March 30. The Council also agreed that further consultations on the subject would be desirable at an appropriate time.

5. On July 21, Ambassador Roshchin conveyed to Ambassador Leonard the Soviet response to our comments. The response was forthcoming and accepted the US text

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- 3 -

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given in the annex to my letter of May 6, 1971, to the Secretary General, with the exception of the following five points:

a. The first preambular paragraph would be revised to read:

"Determined to act with a view to achieving effective progress towards general and complete disarmament including the prohibition and elimination of all types of weapons of mass destruction, and convinced that the prohibition of the development, production and stockpiling of bacteriological (biological) weapons and toxins intended for use as weapons and their elimination will facilitate the achievement of general and complete disarmament under strict and effective

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- 4 -

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international control."

b. The third preambular paragraph would be revised to read as follows:

"Desiring thereby, for the sake of all mankind, to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons," and become the second preambular paragraph; the second preambular paragraph in the US ^{text}/~~draft~~ would become the third preambular paragraph.

c. After the ninth US preambular paragraph the following paragraph would be inserted:

"Recalling the resolutions of the United Nations General Assembly, which has condemned all actions contrary to the principles and purposes of the

Geneva Protocol of 17 June 1925."

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- 5 -

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d. In Article VII of the US text the phrase "or from generally recognized rules of international law" would be deleted.

e. Article XI of the US draft would be revised as follows:

"Five years after the entry into force of this Convention, or earlier, if it is requested by a majority of Parties to the Convention by submitting a proposal to this effect to the depositary governments, a conference of States Parties to the Convention shall be held at Geneva, Switzerland, to review the operation of this convention with a view to assuring that the purposes of the Preamble and the Provisions of the Convention, including the

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-6-

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provisions concerning negotiations on chemical weapons, are being realized. Such review shall take into account any new scientific and technological developments relevant to this Convention."

6. These modifications are in our view minor and do not adversely affect alliance interests. With respect to the first change, the US had two purposes in its redraft, to avoid independent reference to the prohibition and elimination of nuclear weapons (previous such references had been in the context of general and complete disarmament); and to insert the phrase "under strict and effective international control" in connection with general and complete disarmament. Both of these points are met by the Soviet redraft. With respect to the second change, the US paragraph was intended to express our view, and that of some other delegations, that

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- 7 -

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the Convention should in some way affirm the principle of non-use of BW. The Soviet formulation meets this purpose. With respect to the third change, you will recall that the US rejected as unacceptable the idea, contained in the original Soviet draft, of being guided by a General Assembly resolution which we had voted against and with which we disagree. It is our view that the present Soviet suggestion does not affect our position on the Geneva Protocol and is unacceptable. We plan, however, to suggest the deletion of the article "the" before the word "resolutions". We regard the fourth proposed change as an improvement. The phrase proposed to be deleted was originally designed merely to get around an unacceptable attempt at definition, in the March 30 Soviet draft, of the relationship of the Protocol and international law. With respect to the last change, we see no objection to insertion in the text of

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- 8 -

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the possibility of having a review conference earlier than five years after the entry into force. This clause is likely to satisfy the desire of many non-aligned delegations.

76. We are ready to inform the Soviets that we are prepared, with the one slight exception noted above, to accept the Soviet suggestions. This will make possible the tabling of an agreed draft BW convention to the CCD. We hope to be able to communicate our position formally to the Soviets on Wednesday, August 4, and to table such an agreed draft convention at the CCD on Thursday, August 5. We expect to proceed in the same way as that followed in the NPT negotiations, i.e., there would be two identical texts on the table. In this case, the Soviets and their allies would co-sponsor one text and the US would sponsor another, identical, text.

872. You will note that the text to be tabled would,

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- 9 -

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with the exception of the five changes referred to above,⁷
be the same as that circulated by us on May 6. The substance is therefore not new and, indeed, a number of our allies have made oral and written comments on it. The draft we foresee tabling meets a number of these comments.

98. Once the text has been tabled at the CCD, negotiations in Geneva can proceed more intensively. We expect that in the course of these negotiations amendments will be suggested in an effort to make the BW convention generally acceptable. Our allies are, of course, free at any time to raise points of interest to them in Geneva or Brussels. We are hopeful that it will be possible in the time remaining to reach agreement on a BW convention during the summer session of the CCD in Geneva. We hope that our allies will not pose any objection to going ahead with the Soviets on this basis.

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- 10 -

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10*. In the interest of facilitating allied consultations we are also transmitting this text to foreign offices in NATO capitals. END TEXT

11*. FOR ALL NATO CAPITALS: Embassies should transmit
10
ASAP to Fonoffs text paras. 3 -/2, making clear this material is being circulated to NAC. We are presenting this information to NATO Fonoffs in order to expedite allied consultations. You should express hope that Fonoffs will instruct their NATO dels not to pose any objection to our going ahead with Sovs on this basis.

12. FOR LONDON: You should say we assume UK considering Soviet response as it relates to British position. Question may well arise in NATO whether UK prepared to go along with draft jointly agreed between US and Soviets. We would of course be pleased to have British do so.

13. FOR TOKYO: Embassy should convey text of letter

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- 11 -

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to Fonoff and note US CCD del in close touch with Japanese
del with whom we will continue to consult regarding
Tokyo's views. You should express hope Japanese will
have no objection to our proceeding on foregoing basis.

END

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